

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL DAWE,

Plaintiff,

v.

CAPITAL ONE BANK,

Defendant.

**Civil Action No.
04-40192-FDS**

AMENDED SCHEDULING ORDER

SAYLOR, J.

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, upon joint motion and for good cause shown, the scheduling order of March 29, 2005, is hereby vacated, and the following order is adopted in its stead.

It is hereby ORDERED that:

1. All discovery is stayed pending further order of the Court.
2. Any motion for summary judgment concerning the effect of the state court judgment on the debt allegedly owed by plaintiff to defendant shall be filed by December 12, 2005. Any opposition shall be filed by December 30, 2005.
3. A further scheduling conference will be held on February 16, 2006, at 3:00 p.m. to determine whether additional discovery or motion practice will be needed and, if so, to set appropriate deadlines.

4. The pretrial conference, presently set for March 30, 2006, is postponed pending further notice.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Date: October 21, 2005